

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIFFANY HOPKINS,

Plaintiff,

v.

Case No. 3:19-cv-00157-AC

GENESIS FS CARD SERVICES, INC.,

OPINION AND ORDER

Defendant.

MOSMAN, J.,

On January 9, 2020, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [ECF 26], recommending that Defendant’s Motion to Compel Arbitration and Dismiss [ECF 15] should be denied. Neither party filed objections.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121


(9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation. I ADOPT the F&R [26] and DENY Defendant's Motion to Compel Arbitration and Dismiss [15].

IT IS SO ORDERED.

DATED this 28 day of January, 2020.


MICHAEL W. MOSMAN
United States District Judge